

?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 13.03.2019

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THE HON-BLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HON-BLE MRS. JUSTICE R.THARANI

+W.A.(MD).No.339 of 2019

and

C.M.P.(MD).Nos.2704 and 2705 of 2019

#Perumal

.. Appellant/3rd party

Vs.

\$1.The District Collector,

Sivagangai,

Sivagangai District.

2.The Sub~Collector,

Devakottai,

Sivagangai District.

3.The Tahsildar,

Tirupattur Taluk,

Sivagangai District.

4.Tamilarasan ..Respondents/Respondents

Prayer : Appeal filed under Clause 15 of Letter Patent Act, to call for the records pertaining to the writ petition in W.P.(MD).No.2605 of 2019, dated 18.02.2019 and set aside the same and consequently direct the 1st to 3rd respondents either to give the task of removing and uprooting the Veli Karuvelam Trees found in survey Nos.101/1, 60, 49, 168, 166 and 170 of K.Vairavanpatti Village, Tirupattur Taluk, Sivagangai District on the water bodies to me or to issue fresh auction/tender notice in respect of cutting and uprooting the trees at the earliest as available in the aforesaid survey numbers.

!For Petitioner : Mr.C.M.Arumugam

^For Respondent s : Mr.VR.Shanmuganathan

Special Govt. Pleader for R~1

to R~3

Mr.G.Prabhu Rajadurai for

R~4

:Judgment

[Judgment of the Court was delivered by K.KALYANASUNDARAM, JJ]

The appellant was a third party to W.P.(MD).No.2605 of 2019.

2.Assailing the order of the Learned Single Judge passed in

W.P.(MD).No.2605 of 2019, a third party has preferred this writ appeal. It

seems that the fourth respondent was declared as successful bidder to cut and

remove the veli karuvelam trees found in six survey numbers i.e survey Nos.101/1, 60, 49, 168, 166 and 170 of K.Vairavanpatti Village, Tiruppattur Taluk, Sivagangai District in an auction conducted on 15.03.2017. Since the entire work was not completed, the fourth respondent sought extension of time. Though twice time was extended, the extension sought for the third time was rejected by the District Collector, Sivagangai District. Challenging the order of rejection, W.P.(MD).No.2605 of 2019 has been filed and this Court by an order dated 18.03.2019, extended two months time.

3.Mr.C.M.Arumugam, learned counsel for the appellant would state that auction was conducted in the month of February 2017 with a specific condition that the entire karuvelam trees have to be cut and removed within a period of 15 days. But for some reason, the fourth respondent is prolonging the matter. It is further stated that karuvelam trees have grown in an extent of 75 hectares and the petitioner is ready to deposit Rs.5 lakhs as caution deposit and the official respondents can be directed to proceed for auction. It is the contention of the learned counsel that the licence fee of Rs.50,000/~ is very low.

4.Per contra, Mr.G.Prabhu Rajadurai, learned counsel for the fourth respondent would argue that licence is granted in the month of February 2017, but due to the objections from the local villagers and other facts of storage of water in the pond, trees could not be removed. This Court, considering the entire aspects granted two months extension by observing that this is the last chance given to him and he would not seek further extension of time.

5.Mr.VR.Shanmuganathan, learned Special Government Pleader would argue that even though licence was granted in the month of February 2017, the licensee did not remove the trees, even within the extended time. If it is further extended, it will cause financial loss to the exchequer of the Government.

6.In the instant case, it is not in dispute that the appellant was neither a resident of concerned village nor participated in the auction conducted in the year 2017. It is to be noted that in view of the objection from the villagers, the fourth respondent filed Crl.O.P.(MD).No.21671 of 2018, seeking police protection for removal of the trees and that petition was disposed of on 07.12.2018. It is also to be seen that in a Public Interest Litigation, a Division Bench of this Court issued direction to the District Collector of Southern Districts to remove the Seemai Karuvelam trees grown in the poromboke lands and water bodies. It is now represented by the learned Special Government Pleader that since there is no objection from the villagers, they are ready to issue Cutting Order to the fourth respondent, but he should not seek further time.

7.Considering the facts of this case and the submissions of the learned counsels, this Court directs the first respondent/District Collector, Sivagangai District to issue Cutting Order in favour of the fourth respondent within a period of three weeks from today, permitting the fourth respondent to cut and uproot the seemai karuvelam trees grown in the auctioned areas within a period of two months. It is made clear that the fourth respondent shall not seek further extension.

8. With the above direction, the writ appeal is disposed of. No costs.  
Consequently, connected miscellaneous petitions are closed.

Note to the Registry: Issue order copy on 18.03.2019

To

1. The District Collector,  
Sivagangai,  
Sivagangai District.
2. The Sub~Collector,  
Devakottai,  
Sivagangai District.
3. The Tahsildar,  
Tirupattur Taluk,  
Sivagangai District.